

REMARKS

Reconsideration of the application is respectfully requested.

Claims 21-42, 45 and 46 were pending in the Application. Claims 22, 32 and 33 were amended. Claims 21-42, 45 and 46 are now pending in the application.

The amendments of claims 22, 32 were made according to the Examiner's instructions in order to overcome the objection. The amendment of claim 33 was further made since this invention reflects barbs originating from the lower side of the head of the fastener. They find support in Figures 9-11, which clearly show the limitations. They further find support in the Specification, page 17, lines 1-17, among other places.

The paragraph starting on page 18, line 23 was amended to better explain a newly added Figure 13. It finds support in Figure 4 of U.S. Patent 6,379,092 (Patel et al.), which has been incorporated in the parent Application by reference (see Page 18, lines 23-28).

The addition of Figure 13 finds support in Figure 4 of U.S. Patent 6,379,092 (Patel et al.), which has been incorporated in the parent Application by reference (see Page 18, lines 23-28).

The abstract of the disclosure, has already been amended to the Examiner's requirement in the Preliminary Amendment of December 5, 2003. The same amendment has been repeated under the "Specification Amendments"

DETAILED ACTION

1. The comments of the Examiner are acknowledged.

Drawings

2. The comments of the Examiner are acknowledged. A new Drawing, represented by Figure 13 is hereby submitted. The addition of Figure 13 finds support in Figure 4 of U.S. Patent 6,379,092 (Patel et al.), which has been incorporated in the parent Application by reference (see Page 18, lines 23-28).

Therefore, Applicants respectfully request withdrawal of the objection.

3. The comments of the Examiner are acknowledged. The Specification has been amended to incorporate the elements 10A, 11A, 12A 14A, 16A, 34A and T_A. Applicants would like to respectfully submit that the element 10A was already described in the Specification as a fastener of the prior art (see page 15, line 5).

Therefore, Applicants respectfully request withdrawal of the objection

Specification

4. The comments of the Examiner are acknowledged.
5. The abstract of the disclosure was objected to because of allegedly containing the phrase “the present invention in lines 1 and 10”. However, in the preliminary amendment dated December 5, 2003 of the instant application, the abstract of the disclosure was amended as follows:

~~“The present invention pertains fasteners~~ A Spring fastener with critical configuration of the barbs, which allow the extraction of the fastener without

destruction of the slot and/or the fastener. ~~Further, this~~ This critical configuration of the barbs allows ~~the~~ spring fasteners to be used in slots of various widths and prevents rattling, which would take place in the case of spring fasteners of the present state of the art. The critical configuration is based on the special dimensions and special shape of the barbs with regard to the parts and the slots involved in assemblies of the spring fasteners and the parts. ~~The present invention also pertains assemblies~~ Assemblies of miscellaneous parts connected together by means of ~~the~~ such spring fasteners, as well as vehicles comprising such assemblies may be made. ~~In addition, the present invention comprises fasteners providing a combination of low and high barbs, which combination prevents rattling of the fastener and allows secure attachment on a part, such as a sheet metal, for example."~~

Nevertheless, the same amendment is repeated hereinbelow within the Specification Amendments for removing any doubts.

Therefore, Applicants respectfully request withdrawal of the objection

The specification was amended, as mentioned in paragraph 3, to incorporate a new paragraph comprising the elements 11A, 12A 14A, 16A, 34A and T_A, which were shown in Figure 1A but not mentioned in the specification.

Therefore, Applicants respectfully request withdrawal of the objection

New text was added on page 12, in line 3, regarding Figure 12, which was not mentioned in the parent Application, and the newly added Figure 13.

The paragraph starting on page 18, line 23 was amended to better explain the newly added Figure 13. It finds support in Figure 4 of U.S. Patent 6,379,092 (Patel et al.), which has been incorporated in the parent Application by reference (see Page 18, lines 23-28).

Claim Objections

6. Claim 22, 32 and 33 were objected to.

- In claim 22, line 2, the phrase “and a lower side” was deleted.
- In claim 32 the Markush expression was confined to a single species.
- In claim 33, line 2, the phrase “and a lower side” was deleted.

Therefore Applicants respectfully request withdrawal of the objection.

Claim Rejections - 35 USC § 102

7. The comments of the Examiner are acknowledged.
8. Claims 32-36 and 39-42 were rejected under 35 U.S.C. 102(b) as allegedly being anticipated by U. S. Patent No. 5,447,005 to Giannuzzi.

Applicants respectfully traverse the position of the Office Action. The claims of the present invention, have immense differences when compared to what Giannuzzi discloses and claims.

It is respectfully submitted that the Office Action considered the word “then” in the claims as meaning time sequence, while Figures 5-8 show without doubt that the meaning of the word “then” in this case is actually spatial sequence. In the case of Giannuzzi, it is certainly time sequence, as interpreted by the Office Action. In any event, Applicants amended the claims by removing the expressions containing the word “then” in order to eliminate any chance of confusion.

Giannuzzi’ s elements 15 and 17 are not barbs. However, even if arguendo, they were considered to be barbs, they consist of single tabs, which are directed away from the legs at one point in time (when the legs are in proximity to each other) and toward the legs at another point in time (when the legs are expanded by a screw).

However, since this invention is directed to devices, wherein the barbs originate from the head (see claims 21-31, 45 and 46), Applicants amended claim 32 to encompass this limitation in the same manner as in the allowable claims 21-31, 45 and 46, for just this reason, and not in order to overcome the present state of the art. Therefore, any further discussion regarding the disclosure of U. S. Patent No. 5,447,005 to Giannuzzi would be moot.

Thus, Applicants respectfully request withdrawal of the rejection of claim 32, and its dependent claims 33-36 and 39-42 as being anticipated by U. S. Patent No. 5,447,005 to Giannuzzi.

Claim Rejections - 35 USC § 103

9. The comments of the Examiner are acknowledged.

10. Claims 37 and 38 were rejected under 35 USC § 103(a) as allegedly being unpatentable over U. S. Patent No. 5,447,005 to Giannuzzi in view of U. S. Patent No. 6,379,092 to Patel et al.

Applicants respectfully traverse the position of the Office Action.

Since Applicants earnestly believe, as indicated above, that claim 32 is patentable, and since claims 37 and 38 depend from claim 32 directly or indirectly, claims 37, and 38 are also patentable, and any further discussion would be moot.

Therefore, Applicants respectfully request withdrawal of the rejection of claims 37 and 38 as being unpatentable over U. S. Patent No. 5,447,005 to Giannuzzi as applied above, and further in view of U. S. Patent No. 6,379,092 to Patel et al.

Allowable Subject matter

11. The allowability of claims 21-31, 45 and 46 is acknowledged.

Reasons for Allowance

12. The position of the Office Action regarding the Reasons for Allowance has been considered by Applicants.

Conclusion

13. Applicants acknowledge the comments of the Examiner.

Comments on Statement of Reasons for Allowance

Applicants respectfully submit that claims 21-31, 45 and 46 (and now 31-42 as currently amended) differ drastically from any art of record, and fully agree with the Examiner that the teachings of the references taken as a whole do not teach or render obvious the combination set forth, including that the barbs have an origin at the lower head side.

However, Applicants respectfully, but strongly disagree with the Examiner's Statement that Giannuzzi (US 5,447,005) discloses substantially the invention as claimed, and that Giannuzzi only fails to disclose that the barbs have an origin at the lower side.

Applicants respectfully but strongly believe that a person of ordinary skill in the art, considering Giannuzzi's fastener, would not even get the slightest clue in arriving to the intricacies of the present invention, regardless of the origin of the barbs. Giannuzzi's fastener is just a wall anchor using simple straight tabs against a screw to just hold the blades open, and would never work in applications, such as those intended by the present invention, according to which barbs of intricate shape are made to hold a fastener within a slot of a panel, and not on a wall.